

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 7:09-CR-47-FL-1
NO. 7:10-CV-235-FL

JAMAR LEON PRESSEY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.


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ORDER

On November 18, 2010, petitioner filed a *pro se* motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Petitioner's filing was not in compliance with Rule 2(c) of the Rules Governing § 2255 Proceedings and Local Civil Rule 81.2 of this court. An order filed on November 18, 2010, directed petitioner to return the completed correct form within thirty (30) days from the filing of the order. The court advised that failure to return the appropriate form may result in the dismissal of this action or the striking of the motion. Petitioner failed to comply with the court's order. Then, on March 25, 2011, this court entered a second order directing petitioner to show cause, within twenty-one (21) days, as to why this action should not be dismissed for failure to prosecute.

Petitioner again was warned that if he failed to timely respond, an order of dismissal may issue. The time period provided again has lapsed without response, and the action, therefore, is DISMISSED without prejudice. Accordingly, all pending motions are DENIED as moot.

SO ORDERED, this the 26th day of May, 2011.



LOUISE W. FLANAGAN
Chief United States District Judge